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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,390

09/17/2003

Amit Heller

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EXAMINER

NGUYEN, TIEN C

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

07/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/664,390	Applicant(s) HELLER ET AL.	
	Examiner TIEN C. NGUYEN	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/18/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 10, 11 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 10, 11 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. The following is a Non-Final Office action in response to the application filed on September 17, 2003. Amendment received on April 18, 2008 has been acknowledged. Claims 1, 10 and 11 are amended, claims 2-9 and 12-20 have been cancelled, and new claim 21 is added. Therefore, claims 1, 10, 11 and 21 are pending and addressed below.

Response to Arguments

2. Applicant's arguments, see attached below, filed April 18, 2008, with respect to the rejection(s) of claim(s) 1-20 under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Stadelmann (6,415,156).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 the form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 10, 11 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Stadelmann (6,415,156).**

As per claim 1, Stadelmann teaches a method for ordering a service provided over a communications network (abstract) comprising:

selecting a first service to be provided by a first system to a second system, through a third system (selecting a delivery order to be provided by a service provider to a mobile telephone, through a mobile radio network, column 1, lines 55-57, Fig.1).

the first system comprising a content provider (the service provider 2, Fig.1),

the second system comprising a wireless mobile communication device (mobile radio telephone 1, Fig.1).

the third system comprising a server connected to both the first system and the second system over a communication network (the mobile radio network 5 which includes a server connected to both the service provider 2 and the mobile radio telephone 1, Fig.1).

wherein the first service is provided to the second system via the third system (Fig.1), in response to the first system receiving from the third system a first code associated with the first service (a first code is referred as the short message with the input keys 12, column 3, lines 3-11).

wherein the first service comprises downloading content or software code from the first system to the second system for enhancing functionality of the second system (to order a product comprises a short message with the input keys 12 from the services provider 2 to the mobile radio telephone, column 3, lines 3-10), and

wherein a software application executing on the second system enables a user to browse a graphical user interface menu provided by the first system to download content associated with the first service without manually entering the first code (the validation platform 42 is a software application execution on the mobile radio telephone 1, column 2, lines 31-48),

wherein the first code is included in a text message generated by the software application in response to a user selecting the first service by interacting with the graphical user

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interface menu (the short message is an e-mail which includes a text message, column 2, line 66 and 31-32),

wherein the text message is transmitted to the first system by way of the third system (the short message which includes the text message is transmitted to the SIM card 10 (arrow B), column 2, lines 57-59).

wherein the third system generates a bill transmitted to the first system, in response to content associated with the first service being downloaded to the first system (a bill which includes the price, and an indication of the new balance via a short message at arrow C, D, E and G are generated at the mobile radio network 5 to the customer of the service provider 2, column 3, lines 13-40 and column 4, lines 13-17 in Fig.1).

As per claim 10, Stadelmann teaches a method wherein the third system is a public kiosk providing one or more services (the mobile radio network 5 comprises a GSM Mobile Switching Center MSC 40 which includes a public kiosk, column 2, lines 20-21).

As per claim 11, Stadelmann teaches a method wherein the third system is a third party portal providing one or more services (the short message is authentic by the validation platform 42 according to the TTP (Trusted Third Party) protocol via the mobile radio network 5. Therefore, the mobile radio network 5 includes the TTP (Trusted Third Party) protocol, column 3 lines 1-2 and Fig.1).

As per claim 21, Stadelmann teaches a system for downloading content a mobile communication terminal (goods or services include downloaded computer programs, pay TV, and much more, column 1, lines 20-21. Therefore, downloading content is referred as ordering services or products to the mobile radio telephone 1), the system comprising:

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logic unit for browsing content available for download from a content provider connected to a mobile communication terminal over a communication network (via a customer database 421 which include browse function for customer to search product, column 2, line 38);

logic unit for connecting the mobile communication terminal to the content provider via a third party portal connected to the communication network (a GSM or UMTS device for connecting the services provider 2 with a data link to a short message service center 41 via the mobile radio network 5 which comprises the TTP (Trusted Third Party) protocol, column 2, lines 10-13 and Fig.1); and

logic unit for generating a text message deliverable to the third party portal, in response to a user using the mobile communication terminal selecting first content for download while browsing content available through the content provider, after connecting to the content provider via the third party portal (the validation platform 42 for generating the short message which includes a text message, column 2, lines 31-48);

wherein the test message comprises a first code associated with the first content (the short message with the input keys 12 can be entered to order a product or service, column 3, lines 3-11), wherein the text message is generated by a software executed on the mobile communication terminal, in response to the user selecting the first content for download (the short message is confirmed and generated by the validation platform at row D, column 3, lines 13-19), and

wherein the third party portal generates a bill transmitted to the mobile communication terminal, in response to successful download of the first content to the mobile terminal (a bill which includes the price, and an indication of the new balance via a short message at arrow C, D, E and G are generated at the mobile radio network 5 which comprises the TTP (Trusted

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Third Party) protocol the to the customer of the service provider 2, column 3, lines 13-40 and column 4, lines 13-17 in Fig.1).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tien Nguyen whose telephone number is (571) 270-5108.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammel can be reached on 571-273-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN

7/18/2008

/Mary Cheung/
Primary Examiner, Art Unit 3694